

REMARKS

Information Disclosure Statement

The Examiner has stated that the Information Disclosure Statement filed 19 November 2001 failed to comply with 37 CFR 1.98(a)(2) in that a copies of non-patent literature was not submitted. In response, Applicants submit copies of a) the Information Disclosure Statement filed 19 November 2001 and b) postcard with USPTO stamp filed 19 November 2001 showing that copies of 10 prior art references were submitted. Further, for the Examiner's convenience, Applicants once again submit copies of the 10 prior art references.

Claim Rejections

Claims 1-6, 9-10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Le (USPN 2003/0093553). Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Le (USPN 2003/0093553). These rejections are respectfully traversed.

Applicants herein submit the attached affidavit under 37 C.F.R. § 1.131 swearing behind the reference U. S. Patent Publication No. US 2003/0093553 (Le et al.). The affidavit, including the attachments referenced therein, serve to establish conception in the United States of claimed subject matter in the present patent application and diligence to the filing of the present patent application on 19 November 2001 from a date prior to the effective date of the U. S. Patent Publication No. US 2003/0093553 (Le et al.), which was filed in the United States on 9 November 2001, and relied upon the Examiner to support rejections under 35 U.S.C. 102 and 35 U.S.C. 103 in the Office Action dated 8 April 2005.

Therefore, Applicants respectfully submit that the Claims 1-12 define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the rejections of Claims 1-6, 9-10, 11, and 12.

Applicants appreciate that Examiner has agreed to allow Claims 7-8 if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, because of the submitted affidavit, Applicants feel that such an amendment would be unnecessary.

The Applicants believe that the subject application is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

SEND CORRESPONDENCE TO:

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Attachments